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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,373	12/12/2001	Eric Rosen	010558	2149
23696 7590 05/21/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			05/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/020,373	Applicant(s) ROSEN ET AL.	
	Examiner Sam Bhattacharya	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 26, 31 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 6,407,986) in view of Rao (US 6,272,334).

Regarding claims 21, 26, 31 and 36, Dutta discloses an apparatus and method for delivering information to a mobile station 110 in a group communication network, including a transmitter and receiver 176 that communicates information over a network, processor SPP coupled with the receiver and the transmitter, the processor encapsulates the information inside a frame, forwards the frame to a server 140 for delivery to the mobile station, and causes the server to extract the information from the frame and deliver the information to the mobile station on a forward common channel. See FIGS. 1 and 2, and col. 8, lines 26-50.

Dutta fails to disclose a communication network for push-to-talk communication.

However, in an analogous art, Rao discloses call management communication system for push-to-talk communication in which a group identification number is extracted from a data message. See FIG. 1, col. 3, lines 44-64 and col. 5, lines 29-35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method in Dutta by incorporating them into a push-to-talk communication

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network, as taught by Rao, for the purpose of enabling processing of dispatch communications of different groups of mobile stations by a single cell switching system.

3. Claims 22-24, 27-29, 32-34 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Rao and Wiberg et al. (US 6,628,946 B1).

Regarding claims 22, 27, 32 and 37, the combination of Dutta and Rao fails to specifically disclose delivering information when the mobile station is in idle state with no traffic channel. In an analogous art, Wiberg et al. disclose a system for broadcasting information in a mobile network in which information is delivered to a mobile station when the mobile station is in idle state with no traffic channel. See col. 17, lines 61-64 and col. 18, lines 6-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in the combination of Dutta and Rao by delivering when the mobile station is in idle state, as taught by Wiberg et al., so that the mobile station does not need to repeatedly access the information at a remote location and consume unnecessary radio resources.

Regarding claims 23, 24, 28, 29, 33, 34, 38 and 39, Dutta fails to disclose that the forward common channel is a control or paging channel.

However, Wiberg et al. disclose a system for broadcasting information in a mobile network in which base station transmits frames to a mobile station over a control or paging channel. See col. 3, lines 24-49 and col. 13, lines 3-23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in the combination of Dutta and Rao by delivering the information over a control or paging channel, as

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taught by Wiberg et al., so that system data in the frames can be used to establish connection of call communication with the mobile station.

4. Claims 25, 30, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Rao and Sayeedi (US Patent Application Publication No. 2002/0145990 A1).

Regarding claims 25, 30, 35 and 40, the combination of Dutta and Rao fails to disclose delivering the information on the common channel in short data burst form.

Sayeedi discloses delivering information from a base station to a mobile station on a common control channel in short data burst form. See claim 2, lines 4-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in the combination of Dutta and Rao by using a short data burst on the common control channel as taught by Sayeedi so that a minimal amount of bandwidth is used on the channel and traffic channels are not used up unnecessarily.

Response to Arguments

5. Applicant's arguments filed 2/20/07 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments. Claim 1 does not recite that the forward common channel is a channel that carries data to be received by all access terminals monitoring the forward channel. Nor does claim 1 not specify that that the forward common channel is a control channel. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

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F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Examiner suggests that Applicant amend claim 1 to recite these features to advance the prosecution of the present application.

Examiner relies on Dutta, not Rao, for teaching extracting information from a frame for delivery to a mobile station. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one skilled in the art would have been motivated to combine Dutta and Rao for the purpose of enabling processing of dispatch communications of different groups of mobile stations by a single cell switching system.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb


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